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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,835	09/30/2003	Adrian B. Chernoff	GP-303217	6890

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EXAMINER

SY, MARIANO ONG

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/675,835

Applicant(s)

CHERNOFF ET AL.

Examiner

Mariano Sy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 4-7 and 12-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 8-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The amendment filed on January 26, 2005 has been received.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 8 –11 are rejected under 35 U.S.C. 102(b) as being anticipated by Reichenberger (U.S. Patent Number 4,078,628).

Re-claims 1-3 and 8-11 Reichenberger disclosed, as shown in the figure, a vehicle comprising: a steering column including a steering shaft extending from a passenger compartment to an engine compartment; a steering hand wheel 10 operatively connected to the steering shaft; a by-wire braking system responsive to electronic control signals; a driver-operable control input device 12 supported by the steering column and including a braking ring 12, adjacent to the steering hand wheel, manipulable by a driver; and a transducer 36 operatively connected to the member to convert the effects of driver manipulation of the member to electronic control signals and transmit the electronic control signals to the by-wire braking system; a plurality of sensors 16, 36, a controller, and braking system actuator 30; wherein the steering hand wheel and the braking ring are characterized by a common axis of rotation, see abstract and col. 1, lines 45-54. It is inherent that a steering wheel and steering column should

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have a steering shaft and it is inherent that the steering shaft extends from the passenger compartment to the engine compartment as disclosed by fig. 1-2 of W.

Engler (US 2,539,994). Reichenberger disclosed that the braking system is an electro-hydraulic control system (see col. 2, lines 61-668 and col. 3, lines 1-2). It is inherent that a brake-by-wire type system does not exclude hydraulic brake system and is inherent that brake system should have a controller as disclosed by Sawada (US 6,234,588) see col. 1, lines 34-38.

4. Applicant's arguments filed on January 26, 2005 have been fully considered but they are not persuasive.

Examiner maintains the rejection is proper.

Applicant argued in the remarks that Reichenberger '628 does not disclose a by-wire brake system, does not disclose that "control wheel 12" is rotatable, does not disclose a steering shaft extending from a passenger compartment to an engine compartment.

It is inherent that a steering wheel and steering column should have a steering shaft and it is inherent that the steering shaft extends from the passenger compartment to the engine compartment as disclosed by fig. 1-2 of W. Engler (US 2,539,994). Reichenberger disclosed that the braking system is an electro-hydraulic control system (see col. 2, lines 61-668 and col. 3, lines 1-2). It is inherent that a brake-by-wire type system does not exclude hydraulic brake system and is inherent that brake system should have a controller as disclosed by Sawada (US 6,234,588) see col. 1, lines 34-38.

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As for the "control wheel 12", claim 3 recites " wherein the steering hand wheel and the braking ring are characterized by a common axis of rotation". The phrase "by a common axis of rotation" does not mean that "control wheel 12" has to be rotatable.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariano Sy whose telephone number is 703-308-3427. The examiner can normally be reached on Mon.-Fri. from 9:00 A.M. to 3:00 P.M.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci, can be reached on 703-308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 M. Sy

February 18, 2005


2/24/2005
MATTHEW C. GRAHAM
PRIMARY EXAMINER
GROUP 310